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DATE FILED: 10/6/05

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x	<u>PROTECTIVE ORDER #1</u>
MICHAEL SCHILLER, et al.	
Plaintiffs,	04 CV 7922 (KMK)
-versus-	
THE CITY OF NEW YORK, et al.	
Defendants.	
----- x	
DEIRDRE MACNAMARA, et al.	
Plaintiffs,	04 CV 9216 (KMK)
-versus-	
THE CITY OF NEW YORK, et al.	
Defendants.	
----- x	
CAROL DUDEK,	
Plaintiff,	04 CV 10178 (KMK)
-versus-	
THE CITY OF NEW YORK, et al.	
Defendants.	
----- x	
JON WINKELMAN,	
Plaintiff,	05 CV 2910 (KMK)
-versus-	
THE CITY OF NEW YORK, et al.	
Defendants.	
----- x	
KATHERINE ROSE,	
Plaintiff,	05 CV 2927 (KMK)
-versus-	
THE CITY OF NEW YORK, et al.	
Defendants.	
----- x	
JEFFEREY BLACK,	
Plaintiff,	05 CV 3616 (KMK)
-versus-	
THE CITY OF NEW YORK, et al.	
Defendants.	
----- x	

CATHIE L. BELL,
Plaintiff, 05 CV 3705 (KMK)
-versus-

THE CITY OF NEW YORK, et al.
Defendants.

----- x
MICHAEL MARCAVAGE

Plaintiff,
-versus- 05 CV 4949 (KMK)

THE CITY OF NEW YORK, et al.
Defendants.

----- x
NOEL GROSSO,

Plaintiff,
-versus- 05 CV 5080 (KMK)

THE CITY OF NEW YORK, et al.
Defendants.

----- x
ADAM WROBLEWSKI,

Plaintiff,
-versus- 05 CV 5150 (KMK)

THE CITY OF NEW YORK, et al.
Defendants.

----- x
ELIZABETH STARIN,

Plaintiffs,
-versus- 05 CV 5152 (KMK)

THE CITY OF NEW YORK, et al.
Defendants.

----- x
ALISOUN MEEHAN

Plaintiff,
-versus- 05 CV 5268 (KMK)

THE CITY OF NEW YORK, et al.
Defendants.

----- x

JEANETTE LAHN-SHEEN LEE,
Plaintiff,

-versus- 05 CV 5528 (KMK)
THE CITY OF NEW YORK, et al.
Defendants.

----- X
STUART HABER,
Plaintiff,

-versus- 05 CV 6193 (KMK)
THE CITY OF NEW YORK, et al.
Defendants.

----- X
JULIA R. COHEN,
Plaintiff, 05 CV 6780 (KMK)

-versus-
THE CITY OF NEW YORK, et al.
Defendants.

----- X
CHRIS J. KORNICKE,
Plaintiff, 05 CV 7025 (KMK)

-versus-
THE CITY OF NEW YORK, et al.
Defendants.

----- X
KYLA-HANNAH HERSHEY-WILSON,
Plaintiff, 05 CV 7026 (KMK)

-versus-
THE CITY OF NEW YORK, et al.
Defendants.

----- X
ARI TERIAN,
Plaintiff, 05 CV 7536 (KMK)

-versus-
THE CITY OF NEW YORK, et al.
Defendants.

----- X
JOHN J. PAGODA,
Plaintiff, 05 CV 7546 (KMK)

-versus-

THE CITY OF NEW YORK, et al.
Defendants.

----- x

KANDACE VALLEJO

Plaintiff,

05 CV 7547 (KMK)

-versus-

THE CITY OF NEW YORK, et al.
Defendants.

----- x

GRETA SMITH

Plaintiff,

05 CV 7548 (KMK)

-versus-

THE CITY OF NEW YORK, et al.
Defendants.

----- x

SHARONE BUNIM,

Plaintiff,

05 CV 1562 (KMK)

-versus-

THE CITY OF NEW YORK, et al.
Defendants.

----- x

RITU KALRA ,

Plaintiff,

05 CV 1563 (KMK)

-versus-

THE CITY OF NEW YORK, et al.
Defendants.

----- x

LINDSAY RYAN,

Plaintiff,

05 CV 1564 (KMK)

-versus-

THE CITY OF NEW YORK, et al.
Defendants.

----- x

ADRIENNE GARBARINI,

Plaintiff,

05 CV 1565 (KMK)

-versus-

THE CITY OF NEW YORK, et al.
Defendants.

----- X

ADAM GREENWALD,
Plaintiff,

-versus-

05 CV 1566 (KMK)

THE CITY OF NEW YORK, et al.
Defendants.

----- X

BRIAN PICKETT,
Plaintiff,

-versus-

05 CV 1567 (KMK)

THE CITY OF NEW YORK, et al.
Defendants.

----- X

WENDY TREMAYNE,
Plaintiff,

-versus-

05 CV 1568 (KMK)

THE CITY OF NEW YORK, et al.
Defendants.

----- X

DIANE WILLIAMS,
Plaintiff,

-versus-

05 CV 1569 (KMK)

THE CITY OF NEW YORK, et al.
Defendants.

----- X

JEREMY BIDDLE,
Plaintiff,

-versus-

05 CV 1570 (KMK)

THE CITY OF NEW YORK, et al.
Defendants.

----- X

MATTHEW MORAN,
Plaintiff,

-versus-

05 CV 1571 (KMK)

THE CITY OF NEW YORK, et al.

Defendants.		
----- x		
SACHA BOTBOL,	Plaintiff,	
-versus-		05 CV 1572 (KMK)
THE CITY OF NEW YORK, et al.		
Defendants.		
----- x		
TIFFANY BURNS,	Plaintiff,	
-versus-		05 CV 1573 (KMK)
THE CITY OF NEW YORK, et al.		
Defendants.		
----- x		
SCOTT KERNS,	Plaintiff,	
-versus-		05 CV 1574 (KMK)
THE CITY OF NEW YORK, et al.		
Defendants.		
----- x		

WHEREAS, Plaintiffs have requested that The City of New York produce to Plaintiffs certain video tapes and other materials in discovery;

WHEREAS, The City of New York (“the City”) has identified one such video tape, Defendants’ Tape # 109, Bates stamped SCH-D 1022, as containing confidential information the disclosure of which may violate the privacy interests of those individuals who are depicted on it, and has objected to the production of such video tape absent an appropriate court order;

WHEREAS, the Court has ordered production of Defendants’ Tape #109 (“Pier 57 Video”) to Plaintiffs’ Counsel;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Scope of Disclosure. The Pier 57 Video may be shared by counsel for the parties with the staff of their respective law offices, the parties and experts retained by the parties. Each such individual shall be provided a copy of this Protective Order #1 ("Protective Order"), for his or her review, and shall execute the acknowledgement form attached hereto as Exhibit "A" before being permitted to view the Pier 57 Video. Counsel for the parties hereby acknowledge their responsibility for the conduct of any lawyers and any non-lawyers permitted by them to view any part of the Pier 57 Video, as contemplated by New York law, including the Lawyers Code of Professional Responsibility, Disciplinary Rule (DR) 1-104.
2. One Permissible Purpose. Plaintiffs' Counsel and any others who may gain access to the Pier 57 Video through Plaintiffs' Counsel shall not use the Pier 57 Video for any purpose other than to prosecute one or more of the above-captioned matters.
3. Filing Under Seal. If the Pier 57 Video or any other document that incorporates any confidential information derived from the Pier 57 Video is filed with the Court, such materials shall be delivered to the Court enclosed in a sealed envelope bearing the caption of the action, an indication of the nature of its contents and the following legend:

CONFIDENTIAL

This envelope contains documents or information designated confidential pursuant to an order entered by the United States District Court for the Southern District of New York in the above-captioned action. This envelope shall not be opened or unsealed without the express

direction of a judge of this Court, and its contents shall not be displayed or revealed except as the Court may order. This envelope and its contents shall at all times be maintained separate and apart from the publicly available files of this case.

4. Return; Affidavit; Court Record Sealed. Within 30 days of the termination of the action (and the termination or expiration of any right to appeal) in which the Pier 57 Video was produced, the Pier 57 Video and all copies of it, along with notes and all other materials containing or referring to confidential information derived from it (not including privileged or work product materials and filings with the court), shall be returned to the New York City Law Department, c/o Jay A. Kranis. All persons who possessed such materials shall, by affidavit furnished to Jay A. Kranis, contemporaneously verify that all such materials have been returned to him. In addition, the portions of the Court record incorporating such materials shall be sealed.
5. Additional Confidential Materials. In the event that the parties discover additional video tapes, audio tapes, other documents or any other evidentiary material that they deem confidential, they may so designate that material as “Confidential” and subject to this Protective Order by affixing to that material a label or stamp identifying that material as “Confidential.” Depositions that contain Confidential information may be designated as Confidential by stating on the record of the deposition, preferably at the outset, that the deposition does or may contain Confidential information and is subject to this Protective Order. Alternatively, the parties may designate Confidential materials as Confidential by notifying the appropriate parties in writing. Such

Confidential material, in whatever form, shall be protected in precisely the same manner as this Protective Order provides for the Pier 57 Video.

6. Court Challenge. In the event that either party disagrees with the designation of particular material as “Confidential,” such party shall attempt in good faith to resolve the disagreement with the opposing counsel and, if the parties cannot resolve the matter, they may raise it with the Court.
7. Violation. Failure to comply with any of the foregoing provisions is a violation of this Court’s order and may subject the violator(s) to any sanction deemed appropriate by the Court.
8. No Waiver. Nothing in this Protective Order shall be construed as a waiver by any party of any right, defense or objection that that party may have. Among other things, the parties have not waived, and have expressly reserved, any objections to the admissibility of the Pier 57 Video.

9. Modification. This protective order may be modified only upon a showing of good cause.

Dated: New York, New York
October 4, 2005

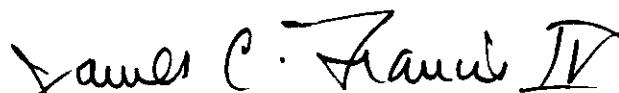

HON. JAMES C. FRANCIS, IV
UNITED STATES MAGISTRATE JUDGE

EXHIBIT "A"

The undersigned hereby acknowledges that he or she has received a copy of the Protective Order entered in the case captioned MacNamara, et al. v. The City of New York, et al., 04 CV 9216 (KMK) (among other captions), pending before Judge Kenneth M. Karas of the United States District Court for the Southern District of New York; acknowledges that he or she has read the Protective Order, understands its terms and agrees to be bound by its terms; agrees not to use the Pier 57 Video (or any other "Confidential" material) for any purpose other than in direct connection with the prosecution of one or more of the cases captioned in the Protective Order; and agrees not to disclose the Pier 57 Video (or any other "Confidential" material).

Date

Signature

Printed Name

Plaintiff's Attorney With Whom
You Are Associated

Relationship To Plaintiff's Attorney

Nature of Confidential
Material Provided To Me: